

ENMCA response to the Implementing Act - European Professional Card

9 February 2015

1. The European Network of Medical Competent Authorities (ENMCA) was first convened at the behest of the European Commission (EC) in spring 2010 and brings together organisations responsible for recognising medical qualifications under Directive 2013/55/EU. As doctors are one of the most mobile professions in Europe, ENMCA participants have significant experience with both the benefits and challenges of high levels of mobility and recognition procedures.

ENMCA participants welcome the publication of the draft Implementing Act and the proposal that the European professional card (EPC) should not apply to the medical professionals in the first phase.

Given that Chapter I of the Act may be extended to doctors in a second phase, ENMCA welcomes the opportunity to highlight some aspects of the text which would benefit from further clarification and calls on member states and the EC to address these before the Act is adopted.

Independent evaluation – recital 2

2. The Act should mention that a full and independent evaluation of the first phase would take place before the EPC is rolled out to other professions. This assessment needs to establish the reliability and effectiveness of recognition with an EPC so that any operational difficulties or patient safety risks arising as a result of phase 1 can be addressed.

Data retention – article 3.3

3. Whilst we respect the right of professionals to have ownership of their data, it would be helpful for the EC to confirm that both the home and host competent authorities are able to extract data from the IMI file and retain it on their own systems for legally mandated audit purposes¹.

Information submitted with the EPC application – article 4

4. Determining the correct recognition regime to be applied (particularly automatic vs. general system) requires considerable knowledge of the training system and recognition procedures in the host member state, e.g. a medical specialty could be a specialty in the home state but a subspecialty in the host state or vice versa. We would therefore advise for this decision to be taken by the host competent authority, rather than the applicant or home authority.

Cooperation between competent authorities – articles 6.4 and 14.2

5. We appreciate the requirements in articles 6.4 and 14.2 on competent authorities to cooperate and respond to any requests for information related to an EPC application without delay. Aside from the Act, it would be helpful to understand the procedure for dealing with authorities who fail to cooperate in a timely manner. Any such delays would impact significantly on the effectiveness of the EPC workflow given the strict new deadlines of recognition with an EPC.

Temporary and occasional – article 20.2

6. We continue to have concerns about the temporary and occasional provisions:
 - The Act must make explicit provisions to allow the host authority to view the contents of the IMI file and challenge the issuance of a T&O EPC if it suspects that the moving doctor

¹ As outlined in the FAQs published by the EC in September 2014 (question 12, page 4)

is not eligible for recognition under this regime. Host authorities must also be consulted on any decision to extend the validity of the EPC as it is most likely to have information about the duration, frequency, regularity and continuity² of a T&O service provider.

- Host authorities need to know when they can require the evidence they are entitled to request under articles 7.2(e) (evidence of good standing), and 7.2(f) (language declaration) in the Directive before authorisation to practice in the host state is granted.

Certified documents and translations – articles 15, 17.2 and 19.5

7. We would welcome clarification from the EC as to whether
 - Host authorities are able to specify for which documents they require certified copies (article 15.2)
 - Host authorities are limited to asking for certified copies only when the home authority has been unable to verify a document (article 15.1);
 - Article 19.5 contradicts article 17.2 where it states that we can only request certified translations in cases of doubt and after having contacted the home authority.

Procedures concerning payment – articles 9.1 and 9.2

8. ENMCA participants welcome the reference to both the home and host authorities in article 9. However some ENMCA participants urge that the timelines for examining the application should commence only once the home and host authorities have received payment.

Disclaimer on the EPC – article 21.2

9. It is essential that the disclaimer extends to an EPC for T&O to ensure compliance with articles 7.2(e) & (f) of the Directive, which permit us to seek assurances on language knowledge and good standing before allowing a T&O applicant access to the profession. Article 21.2 should also make reference to recognition based on acquired rights. In these cases the electronic EPC must clearly state that it will expire two years after the date of issue³.

Transition period – article 29

10. Given the substantial changes the EPC procedure will introduce to operational processes, the lack of information as to how IMI will interact with competent authorities' own internal IT systems and the substantial new role and responsibilities for home authorities, it would be highly advisable for the EC to introduce a transition period for the EPC of at least 6 months from the date of entry into force. In contrast to the alert mechanism, whose deadline is mandated in the Directive, it is within the EC's gift to introduce a longer transposition period to give authorities sufficient time to adapt their systems and ensure a successful roll out of the EPC.

Annex II – Documentary requirements

11. Clarification is sought as to:
 - Which documents constitute a proof that third country nationals can benefit from the rights provided in the Directive as referenced in 1(a);
 - Which documents the applicants can provide in order to prove that they have gained 3 years of professional experience as referenced in 2(f); and
 - The reference in part 1(d) which states that documents required in accordance with points 1(d), (e) and (f) of Annex VII to the Directive can be submitted via the EPC and whether the host authority can ask for this documentary proof at a later stage and not via the EPC.

To discuss our position, please contact: [Nicola While](#), General Medical Council (+44 161 250 6954); [Alexander Jäkel](#), German Medical Association (+49 30 400 456-369); [Marie Colegrave-Juge](#), French Medical Council (+32 2 401 61 58) or visit the ENMCA [website](#) for more information.

² These criteria are set out in art. 5.2 states that "the temporary & occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity"

³ In line with [MARKT D/3418/6/2006 FAQs Group of Coordinator for the Recognition of Professional Qualifications](#), p12.